

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2011

No. 11-40043

Lyle W. Cayce
Clerk

HARDESTY BUILDERS, INCORPORATED,

Plaintiff-Appellant,

v.

MID-CONTINENT CASUALTY COMPANY; OKLAHOMA SURETY
COMPANY,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas, Corpus Christi Division
USDC No. 2:10-CV-142

Before BARKSDALE, GARZA, and ELROD, Circuit Judges.

PER CURIAM:*

AFFIRMED. *See* 5TH CIR. R. 47.6.

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.